



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,977	12/10/2003	Ki-Sul Cho	0630-1839P	5104
2292	7590	12/01/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, DUNG T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,977

Applicant(s)

CHO, KI-SUL

Examiner

Dung Nguyen

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-9,12-16,18,19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) 9,12-15,19,21,24 and 25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5-8,16,18,22 and 23 is/are allowed.
- 6) ☒ Claim(s) 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendment dated 09/12/2006 has been received and entered. By the amendment, claims 1, 5-8, 16,18, 22-23 and newly added claims 26-28 are now pending in the application. Claims 9, 12-15, 19, 21 and 24-25 stand withdrawn from consideration.

Specification

1. The amendment filed 09/12/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the feature of "a pixel electrode having a repair pattern" and "a gate line having a repair pattern" in the liquid crystal display (LCD) device (emphasis added) is not disclosed in the original specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2871

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the above claims, the feature of “a pixel electrode having a repair pattern” and “a gate line having a repair pattern” in the LCD device has been recited in such claims; however, as stated above, such feature has not disclosed in the original specification, and such feature is changing the scope of the invention and failing to comply with the written description requirement.

Allowable Subject Matter

4. Claims 1, 5-8, 16, 18 and 22-23 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter

The references of record neither disclose nor make obvious an LCD device comprising a combination of various elements as claimed, more specifically of the repair pattern including protrusions extending in opposite directions from a portion of the gate line, so as to be formed under two adjacent pixel electrodes as set forth in claims 1, 16 and 22.

Response to Arguments

6. Applicant's arguments filed 09/12/2006 have been fully considered but they are not persuasive.

Applicant continues to traverse the Restriction Requirement. The traversal is set as in the remarks, page 8-11. The traversal is not found persuasive as follow:

Art Unit: 2871

First, the Examiner disagrees that the restriction requirement is improper since, as asserted by Applicant, the species are definitions of invention are never species. It should be noted that, according to MPEP 806.04(e), "claims are never species when the scope of a claim may be limited to a single disclosed embodiment". In the instant application, species (a) and (b) drawn to two (2) different embodiments (as shown figures 7 and 8); therefore, according to MPEP 806.04(f), a requirement for restriction to a single species may be proper.

Second, Applicant states that the US 6,882,375 presents separate claims to repair lines and no restriction requirement is of record in that Application. The Examiner agrees that there is no restriction requirement in the Application of the US 6,882,375; however, it does not mean that two groups of such claims are not species.

Third, in response to Applicant's argument that the USPTO's manual of Classification for LCD electrode repair features in the most pertinent class 349 and the search two different species constitutes a serious administrative burden on the Examiner. The Examiner respectfully disagrees with Applicant's view point since class 349 is a general class for an LCD system and includes over 200 different sub-classes for the LCD detailing; therefore, the searching of two different species (e.g., two different types of repair electrode) would be a serious burden on the Examiner. In addition, according to MPEP 806.04(f), such two species are mutually exclusive and then the restriction requirement can be made.

Final, as stated above, two different species for two different types repair electrode are mutually exclusive and a different search would be required. Moreover, Applicant cannot base on the Kim reference to conclude that claims species do not have a different classification. In

Art Unit: 2871

addition, claims 26-28 are subjected to a "new matter" added; so as such claims cannot be generic since the scope of such claims are not clear.

It should also be noted that the reply to notice of non-compliant amendment dated 09/12/2006 has been filed without an Applicant's argument. However, in order to expedite the application, the argument filed on 06/01/2006 has been considered as part of response to the office action dated 10/04/2005.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

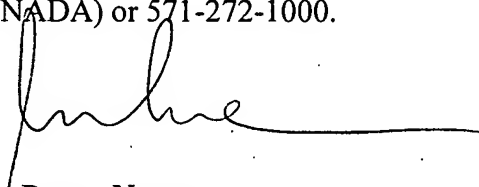
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

Art Unit: 2871

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN
11/27/2006



Dung Nguyen
Primary Examiner
Art Unit 2871